## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF OKLAHOMA

IN RE CHESAPEAKE ENERGY SHAREHOLDER DERIVATIVE LITIGATION

Case No. 5:11-cv-985-M

Relating to: ALL ACTIONS

DEBORAH G. MALLOW IRA SEP INVESTMENT PLAN, Individually and derivatively on behalf of CHESAPEAKE ENERGY CORPORATION,

Plaintiff,

v.

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON L. NICKLES, and LOU SIMPSON,

Defendants,

and

CHESAPEAKE ENERGY CORPORATION, an Oklahoma Corporation,

Nominal Defendant.

CHRISTOPHER SNYDER, Individually and derivatively on behalf of CHESAPEAKE ENERGY CORPORATION

Plaintiff,

v.

AUBREY K. MCCLENDON, RICHARD

[Caption continues on next page]

Case No. 5:12-cv-436-M

Case No. 5:12-cv-437-M

K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON L. NICKLES, and LOU SIMPSON, Defendants, and CHESAPEAKE ENERGY CORPORATION, an Oklahoma Corporation, Nominal Defendant. DOLEZAL FAMILY LIMITED PARTNERSHIP, Derivatively on Behalf of Nominal Defendant CHESAPEAKE ENERGY CORP., Case No. 5:12-cv-477-M Plaintiff, v. AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON L. NICKLES, and LOUIS SIMPSON. Defendants, and CHESAPEAKE ENERGY CORP., Nominal Defendant. BRIAN F. LEONARD, Individually and derivatively on behalf of CHESAPEAKE ENERGY CORPORATION, Plaintiff. Case No. 5:12-cv-479-M v. [Caption continues on next page]

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON L. NICKLES, and LOUIS SIMPSON,

Defendants,

and

CHESAPEAKE ENERGY CORPORATION, an Oklahoma Corporation,

Nominal Defendant.

JACOB SHOCHAT, Derivatively and on Behalf of CHESAPEAKE ENERGY CORPORATION,

Plaintiff,

v.

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON L. NICKLES, and LOUIS A. SIMPSON.

Defendants,

and

CHESAPEAKE ENERGY CORPORATION,

Nominal Defendant.

[Caption continues on next page]

Case No. 5:12-cv-488-M

THE DAVID A. KROLL, INC. EMPLOYEES' PROFIT-SHARING PLAN ) Case No. 5:12-cv-493-M AND TRUST, derivatively on behalf of CHESAPEAKE ENERGÝ CORPORATION,

Plaintiff.

v.

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, V. BURNS HARGIS, FRANK A. KEATING, BREENE M. KERR, CHARLES T. MAXWELL, DON L. NICKLES, FREDERICK B. WHITTEMORE, MARCUS C. ROWLAND, MICHAEL A. JOHNSON, LOUIS A. SÍMPSON, KATHLEEN M. EISBRENNER, and MERRILL A. MILLER, JR.,

Defendants,

and

CHESAPEAKE ENERGY CORPORATION,

Nominal Defendant.

STEPHEN ROBACZYNSKI, Derivatively on Behalf of Nominal Defendant CHESAPEAKE ENERGY CORPORATION,

Case No. 5:12-cv-501-M

Plaintiff,

V.

AUBREY K. MCCLENDON, MERRILL A. MILLER, JR., DON NICKLES, CHARLES T. MAXWELL, FRANK KEATING, RICHARD K. DAVIDSON.

[Caption continues on next page]

V. BURNS HARGIS, KATHLEEN M. EISBRENNER, LOÚIS A. SIMPSON, BREENE M. KERR, and FREDERICK B. WHITTEMORE, Defendants, and CHESAPEAKE ENERGY CORPORATION, an Oklahoma Corporation, Nominal Defendant. NORMAN SPIEGEL, Derivatively on Behalf of Nominal Defendant Case No. 5:12-cv-502-M CHESAPEAKE ENERGY CORPORTION. Plaintiff, v. AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON NICKLES, and LOU SIMPSON, Defendants, and CHESAPEAKE ENERGY CORPORATION, Nominal Defendant. HOWARD ROSENGARTEN. Derivatively on Behalf of CHÉSAPEAKE ENERGY CORPORATION. Case No. 5:12-cv-505-M Plaintiff,

[Caption continues on next page]

v.

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON NICKLES, and LOU SIMPSON,

Defendants,

and

CHESAPEAKE ENERGY CORPORATION,

Nominal Defendant.

ARTHUR ALBERTS, Individually and derivatively on Behalf of CHESAPEAKE ENERGY CORPORATION,

Plaintiff,

v.

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR., DON L. NICKLES, and LOU SIMPSON,

Defendants,

and

CHESAPEAKE ENERGY CORPORATION, an Oklahoma Corporation,

Nominal Defendant.

Case No. 5:12-cv-545-M

[Caption continues on next page]

JOEL GERBER, Derivatively on Behalf of CHESAPEAKE ENERGY CORPORATION,

Case No. 5:12-cy-584-D

Plaintiff.

v.

AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. "PETE" MILLER, JR., DON L. NICKLES, LOU SIMPSON, BREENE M. KERR and FREDERICK B. WHITTEMORE,

Defendants,

and

CHESAPEAKE ENERGY CORPORATION, an Oklahoma Corporation,

Nominal Defendant.

## PLAINTIFF HOWARD ROSENGARTEN'S JOINDER IN SUPPORT OF PLAINTIFFS ARNOLD AND CLEM'S CONSOLIDATED RESPONSE IN OPPOSITION TO MOTIONS AND CROSS-MOTIONS TO CONSOLIDATE AND <u>APPOINT LEAD COUNSEL</u>

Plaintiff Howard Rosengarten submits this Joinder in Support of Plaintiffs Arnold and Clem's Consolidated Response in Opposition to Motions and Cross-Motions to Consolidate and Appoint Lead Counsel.

On May 3, 2012, plaintiffs M. Lee Arnold and James Clem (collectively, "Original Plaintiffs") filed a Motion to Lift Stay and requested leave to file a thorough and well-investigated Consolidated Amended Complaint. On May 22, 2012, Original Plaintiffs filed a consolidated response in opposition to the various motions and cross-motions for

consolidation and appointment of lead counsel filed in the above-captioned actions (the "Response"). In their Response, Original Plaintiffs requested that this Court deny the pending motions for consolidation and appointment of lead counsel and instead consolidate all of the above-captioned actions pursuant to this Court's previous order issued on December 23, 2011 [Case No. 5:11-cv-985-M, Dkt. No. 39] ("Consolidation Order").

Plaintiff Howard Rosengarten hereby joins in and fully supports the relief sought in Original Plaintiffs' Response. Plaintiff Howard Rosengarten agrees with Original Plaintiffs that consolidation of the recently filed shareholder derivative actions on behalf of Chesapeake Energy Corporation ("Chesapeake" or the "Company") with Original Plaintiffs' consolidated action pursuant to the Consolidation Order, including the reaffirmation of this Court's previous appointment of Robbins Umeda LLP and Holzer, Holzer & Fistel LLP (collectively, "Co-Lead Counsel") as co-lead counsel for the consolidated action, is appropriate and in the best interests of the Company and its shareholders. Plaintiff Howard Rosengarten agrees that such consolidation would permit

<sup>&</sup>lt;sup>1</sup> On May 1, 2012, plaintiff Dolezal Family Limited Trust Partnership ("Dolezal") filed a Motion to Consolidate Cases and to Appoint Lead Counsel Structure [Case No. 5:12-cv-447-M, Dkt. No. 7]. On May 3, 2012, plaintiff Deborah G. Mallow IRA SEP Investment Plan ("Mallow"), filed a Cross-Motion to Consolidate All Related Cases and to Appoint Lead Counsel and In Opposition to Competing Motion to Appoint Lead Counsel [Case No. 5:12-cv-436-M, Dkt. No. 15]. On May 9, 2012, plaintiff Jacob Shochat ("Shochat") filed a Cross-Motion for Consolidation of Related Cases and Appointment of Lead Plaintiff and Lead Counsel [Case No. 5:12-cv-488-M, Dkt. No. 7], which also opposed the Dolezal and Mallow motions. On May 16, 2012, plaintiff Mallow, on behalf of itself and plaintiffs Snyder, Dolezal, Leonard, David A. Kroll, Inc. Employees' Profit-Sharing Plan and Trust, and Spiegel, filed a response in support of its initial cross-motion and in opposition to plaintiff Shochat's cross-motion.

the most efficient and effective prosecution of Chesapeake's derivative claims. Plaintiff Howard Rosengarten further believes that Co-Lead Counsel, through their efforts in both this Court and Oklahoma State court, have demonstrated that their diligence, aggressiveness, expertise, resources, and dedication to vigorously and effectively prosecuting Chesapeake's derivative claims makes them the best-suited counsel to lead this litigation on behalf of Chesapeake and its shareholders.

For the foregoing reasons, plaintiff Howard Rosengarten supports the consolidation of the above-captioned shareholder derivative actions pursuant to the Consolidation Order, including the reaffirmation of the Court's appointment of Robbins Umeda LLP and Holzer, Holzer & Fistel LLP as Co-Lead Counsel.

**DERRYBERRY & NAIFEH** 

Darren Derryberry

4800 North Lincoln Boulevard

Oklahoma City, OK 73105

Tel: (405)708-6784 Fax: (405) 528-6462

Email:

Dderryberry@derryberrylaw.com

LAW OFFICES OF CURTIS V.

TRINKO, LLP

Curtis V. Trinko

Jennifer E. Traystman

Eileen M. Ryan

16 West 46<sup>th</sup> Street, 7<sup>th</sup> Floor

New York, New York 10036

Tel: (212) 490-9550

Fax: (212) 986-0158

Email: Ctrinko@trinko.com

## ATTORNEYS FOR PLAINTIFF HOWARD ROSENGARTEN